



FREDERICK COUNTY PLANNING COMMISSION

January 12, 2011

TITLE: **Mayne Property: Preliminary Plan Review**

FILE NUMBER: **S 1157 (PHASE 3 AP#10707 APFO # 10708 & FRO #10709)**

REQUEST: **Preliminary Plan**
Requesting preliminary plan for a 193-unit residential development, comprised of 148 Single-family detached dwellings, 45 Townhouses, (including) 25 Townhouse MPDU's; on a 62.38-acre site.

PROJECT INFORMATION:

LOCATION: Located north of Daysville Road, between Daysville Road and MD Route 550.
ZONE: Zoned: R-3 (Residential) and GC (General Commercial)
REGION: Walkersville
WATER/SEWER: W-5, S-5.
COMP. PLAN/LAND USE: Residential

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: RSB Holdings, LLC
OWNER: RSB Holdings, LLC
ENGINEER: Harris, Smariga & Associates, Inc
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Tolson DeSa, Principal Planner

RECOMMENDATION: Conditional Approval

Enclosures:

Exhibit #1: Illustrated Preliminary Plan
Exhibit #2: Mayne Preliminary Plan Letter of Understanding (LOU)
Exhibit #3: Preliminary Sketch Plan Staff Report, August 11, 2010.

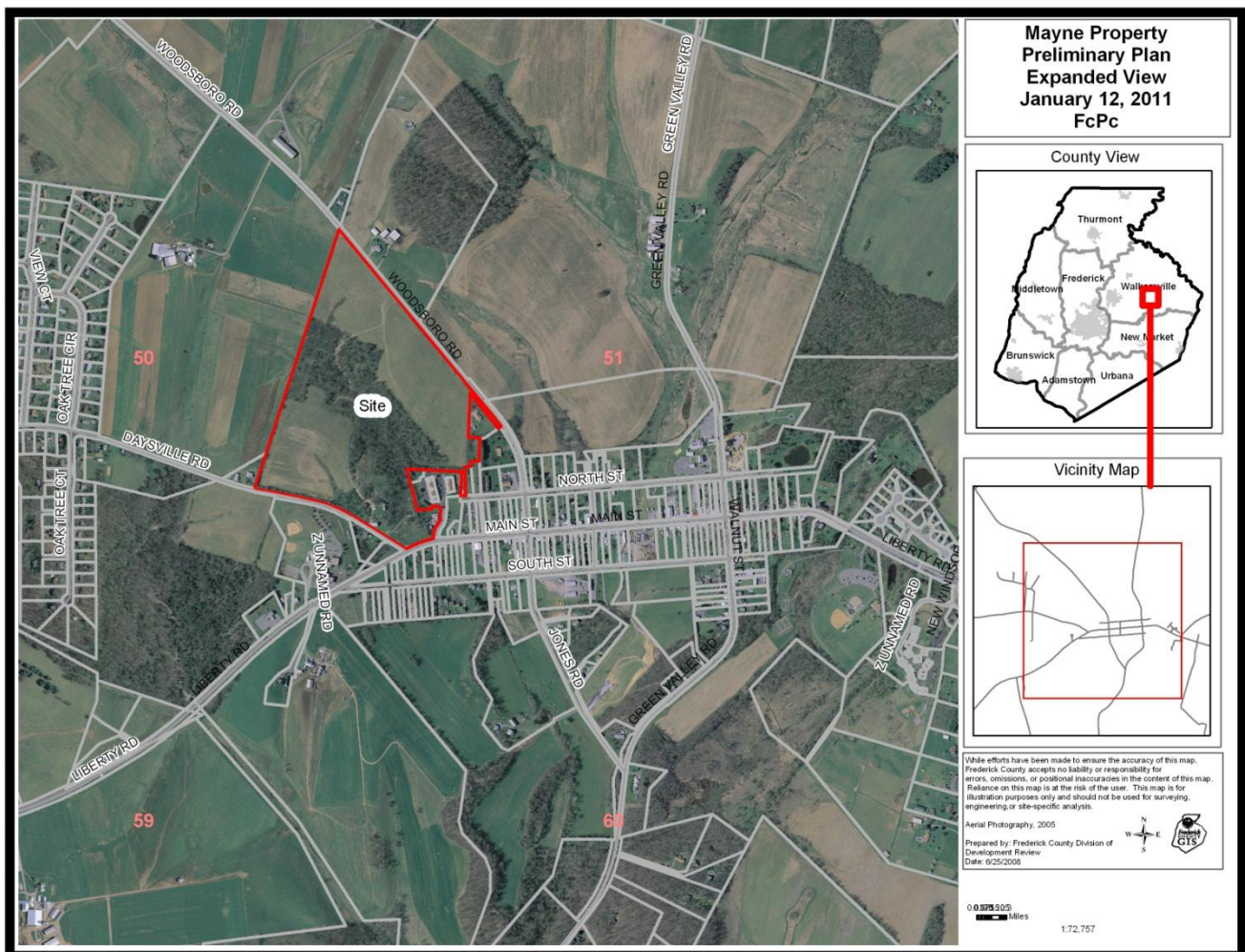
STAFF REPORT

BACKGROUND

The Applicant has submitted a preliminary plan for a 193 unit, R-3 Residential development comprised of 148 Single-family detached dwellings, 45 Townhouses, (including) 25 Townhouse MPDU's; on a 62.38-acre site.

The site is located between Daysville Road and MD Route 550, west of MD Route 26 and Libertytown. The site contains a 4.95-acre portion of ground that is zoned General Commercial (GC). There is no development proposed on the GC portion at this time. This site is located within the Community Growth Limit for Libertytown.

The site is located across Daysville Road from Liberty Elementary School. The Applicant has proposed to place 1.59-acres of active recreation land, and a 450,000 gallon spheroid water tank across Daysville Road on a parcel under the same ownership adjacent to the Liberty Elementary School.



On August 11, 2010, the Applicant submitted a Sketch Plan package in order to receive non-binding review and comment from the Frederick County Planning Commission (FCPC) on the Daysville/Woodsboro (MD 550) Road Connector. During that meeting, the Applicant also

sought non-binding review and comment on the proposal of placing the required active recreation lands across Daysville Road on a separate parcel, which is adjacent to existing fields that are a part of Liberty Elementary School.

The FCPC did not object to the proposed residential sub-collector shown as "Road E", (*Exhibit #1 within attached August 11, 2010 Staff Report*) in order to achieve the purpose of the Libertytown (MD 26) Bypass. For the purpose of calming travel speeds and discouraging through traffic movements between MD 550 and Daysville Road, two right angle turns were introduced on this "collector" road between Daysville Road and MD 550.

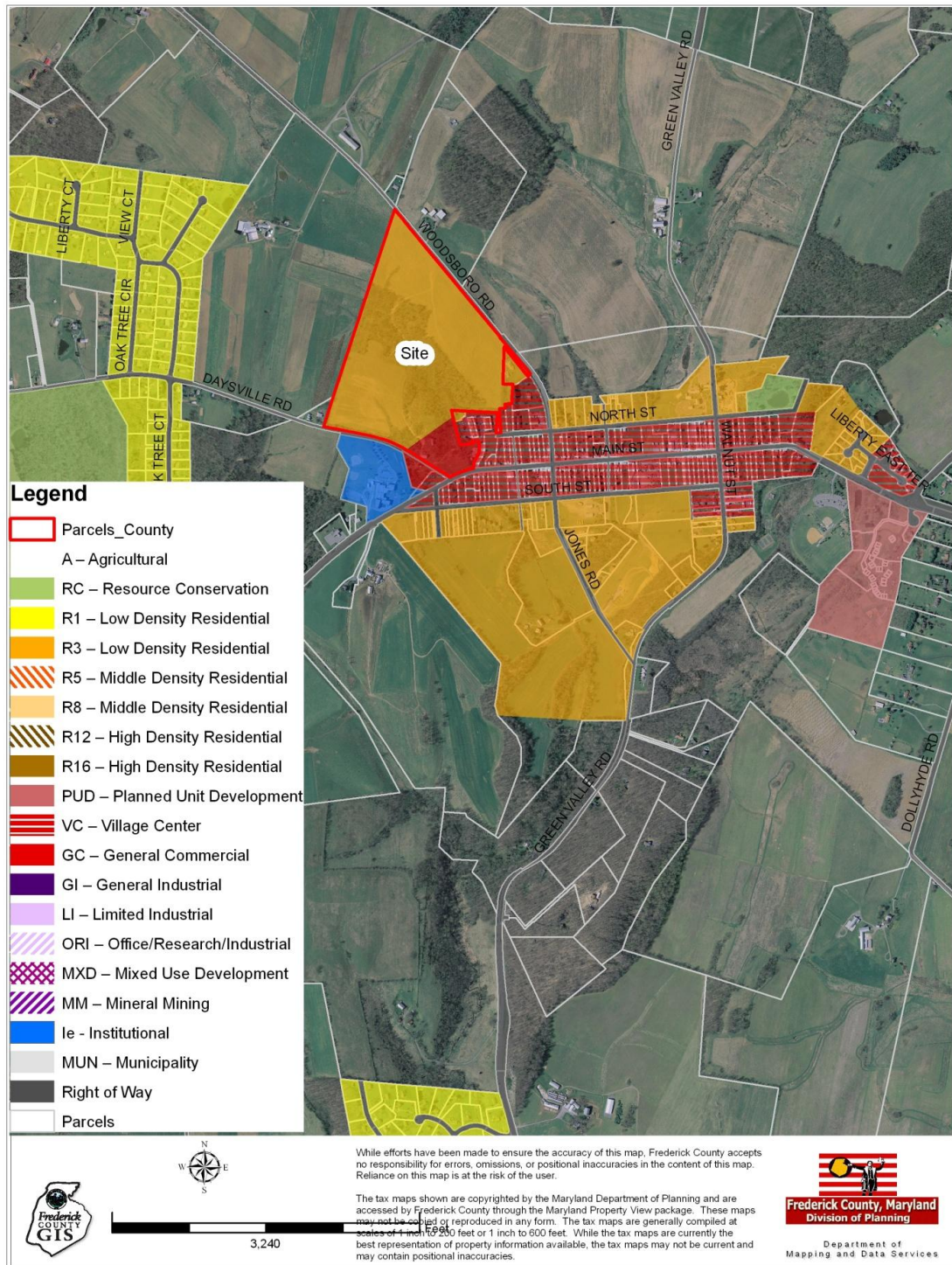
During the Preliminary Sketch Plan meeting, the FCPC did not object to placing a 1.59-acre active recreation field with associated parking across Daysville Road on a separate parcel adjacent to Liberty Elementary School.

ANALYSIS

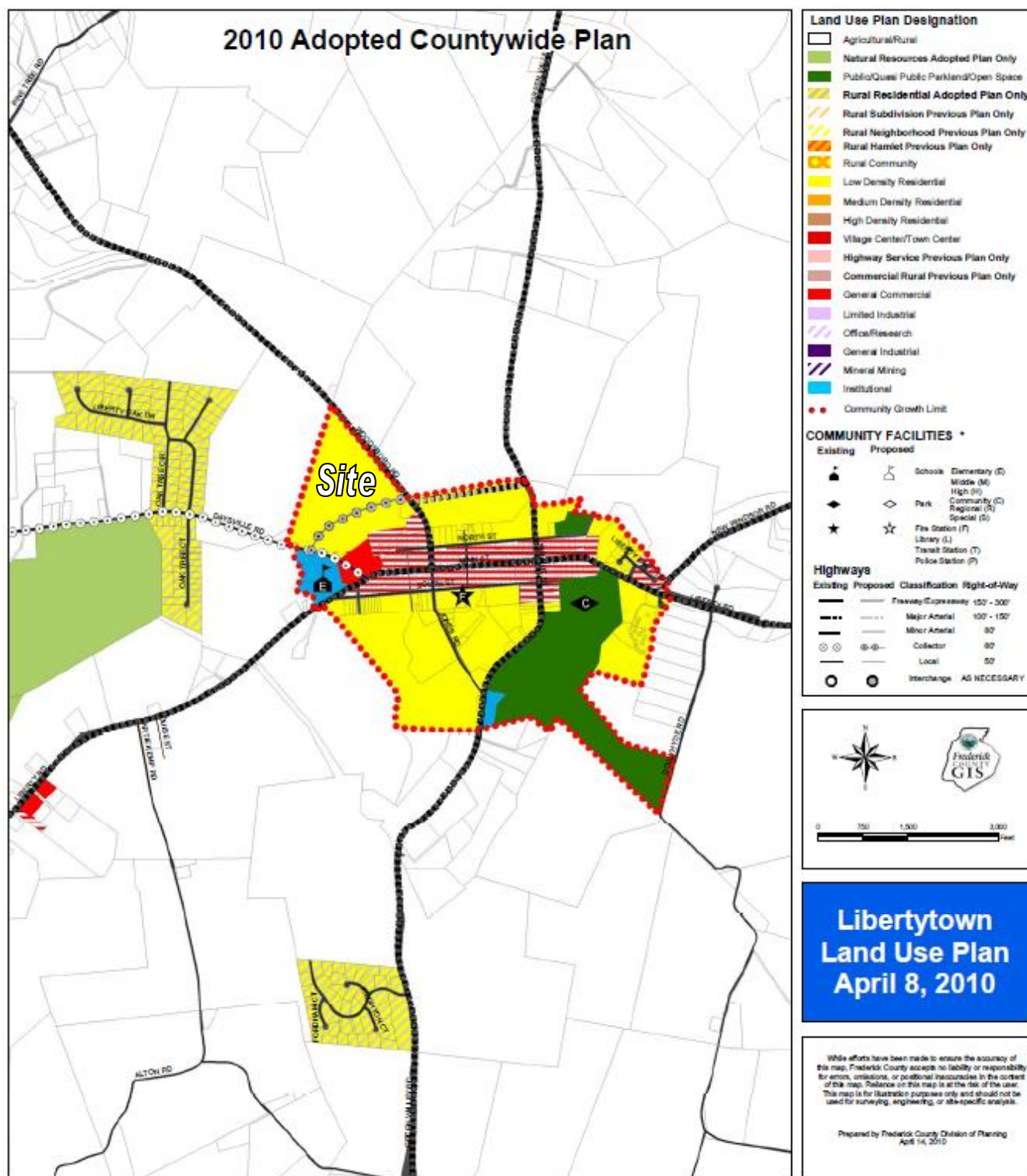
Land Use: The proposed use is being reviewed as 193-unit residential development, comprised of 148 Single-family detached dwellings, 45 Townhouses, out of the 45 townhouses proposed, 25 Townhouse are MPDU's; on a 62.38-acre site.

The total development site is 67.33-acres; the residential component consists of a 62.38-acre portion located north of Daysville Road, there is an additional 4.71-acre tract located on the south side of Daysville road which is proposed to contain the active recreation area as well as the water tank and water treatment systems.

Zoning: The site is split-zoned although the majority is located within the R-3 Residential (R-3) Zoning District, shown in orange. There are approximately 4.95 acres located within the General Commercial Zoning District, shown in red. At the present there are no proposed plans for the 4.95-acre portion of the tract zoned GC.



Frederick County Comprehensive Plan: Walkersville Region, Libertytown Land Use Plan



The Frederick County Comprehensive Plan indicates that the land use for the Mayne Property subdivision is low Density Residential, shown in yellow above. Agricultural zoning surrounds the site. The use proposed for the Mayne Property complies with the Land Use designation within the County Comprehensive Plan. This site is located within the Libertytown Community Growth Limit.

Mayne Preliminary Plan

January 12, 2011

Page 5 of 26

Dimensional Requirements/Bulk Standards: Section §1-19-8.620.5, Moderately Priced Dwelling Unit (MPDU), stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements for developments in the R-3 Residential Zoning District that contain MPDU's are 10-foot front yard and 25-foot rear yard for single-family detached and for all townhouses and MPDU's 10-foot front yards and 20-foot rear yard , with 10-foot side yards for all dwelling unit types. The maximum height allowed is 40 feet. The minimum lot size for the zoning district is 4,000 square feet for all single-family detached dwellings, and 1,600 square feet for townhouses. The proposed preliminary plan meets the required Bulk/Dimensional requirements.

Moderately Priced Dwelling Units:

This project is subject to the MPDU Ordinance. The Applicant must submit a MPDU Staging Plan as part of the Phase III application. The Staging Plan identifies the number, type, and location of all the MPDU's and identifies the timing of MPDU construction within each development phase as outlined in Section 1-6A-5(h) of the Frederick County Code (The MPDU Ordinance is codified as Chapter 1-6A of the Frederick County Code).

The Department of Housing and Community Development has reviewed the proposed Staging Plan for the project. The MPDU's will comprise 25 of the 193 units in the project. The applicant has proposed to intersperse the MPDU's with the market rate units within the proposed condo and townhouse buildings, this is reflected in Preliminary Plan Note #11.

The Applicant must execute an agreement to build the MPDU's with the Department of Housing and Community Development, prior to final signature of this plan.

Parking:

The Applicant has proposed a parking design that meets the required parking ratio of 1 space per unit, plus ½ space for every bedroom in each unit. Based on the parking calculation above, 112.5 parking spaces are required for all of the town home units; The Applicant has provided 113 spaces that are evenly distributed throughout the townhouse portion of the site. The 148 single family detach dwellings all have garages along with a 20x25 foot driveway/parking pad. All public roads and public collectors are wide enough to accommodate 7' and 8' parallel parking spaces respectively.

Access/Circulation: Daysville/Woodsboro (MD 550) Road Connector

This new masterplan collector roadway is shown on the masterplan roughly in the location of a portion of the now defunct Libertytown (MD 26) Bypass, but the text does not describe its purpose. In reviewing the tapes of past workshops, it appears that its main purpose is to assure that there is a continuous local roadway between the Liberty Elementary School, on Daysville Road, and MD 550 for pedestrians, bikers and school buses.

The Applicant has provided this future collector road in the necessary 60' right-of-way, albeit more in the form of a residential sub-collector, in order to achieve its assumed purpose. For the purpose of calming travel speeds and discouraging through traffic movements between MD 550 and Daysville Road, two right angle turns have been introduced on this "collector" road between Daysville Road and MD 550. Intersection sight distance (ISD) has been shown to be adequate for this proposed roadways intersections with both Daysville Road and MD 550.

Another remnant of the old Libertytown Bypass still remains in the form of a minor arterial just east of this site and runs between MD 550 and MD 75. It is described on page 6-12 of the Comprehensive plan as a road to facilitate truck traffic between the MD 550 and MD 75 corridors, while presumably reducing truck volumes on MD 26 through town. The proposed access points on MD 550, for the collector road westward to Daysville Road (through the Mayne residential community) and minor arterial road eastward to MD 75, are offset by more than the 750' required to meet SHA public street separation requirements.

It should be noted however that the collector road's construction, as proposed through the Mayne property, would make it more difficult to build a Libertytown (MD 26) Bypass in the future, should future State and County planners and Commissioners bring the concept back for consideration. An alternative alignment to the Applicant's proposal that would better facilitate a future bypass might be one that better follows the line as shown illustratively on the comp plan map, which accesses MD 550 opposite its arterial roadway extension to MD 75. If this general alignment would be preferable to the Planning Commission, much more care would be necessary at the design stage to calm travel speeds, perhaps in the form of a narrower road with community traffic circles.

Staff believes the general layout of the proposed collector, as currently proposed by the Applicant, can be found consistent with the masterplan while contextually sensitive to the needs of the residential community that it serves and would be the preferred treatment for the development of this future residential community.

The proposed collector was reviewed by FCPC during their meeting on August 11, 2010, during that meeting there was no objection to the alternative alignment of the proposed residential sub-collector.

Recreation: The required parkland calculation for this proposed development is 3.167-acres. The Applicant has provided 26.25 acres of HOA open space on the north side of Daysville Road which includes tot lots for the townhouses, walking trails and picnic areas. The Parkland regulations also require that 50% of the total parkland acreage is provided as dry ground recreation use area. The Applicant is proposing to place 1.58-acres of graded area west of Liberty Elementary School for additional ball fields. This area is owned by the Applicant and is adjacent to existing ball fields located on the school property.

The Applicant has proffered a crosswalk with lighted pedestrian notification signal and a fully funded school day crossing guard position as well as a five-foot wide sidewalk connection from Daysville Road into the school site to connect to the existing school sidewalk network. The Applicant has also proffered to construct additional parking on the school property in order to serve the additional parking demand associated with the 1.58-acres of active recreation lands.

Staff has received a letter of support in favor of placing the required active recreation lands adjacent to the existing ball fields on the Liberty Elementary School from Ray Barnes, Executive Director of the Facilities Services Division of the Frederick County Public School System, see attached Exhibit #4.

Staff feels that locating the required recreation lands adjacent to the existing fields creates a greater synergy and expands the options of the future residents of the Mayne Property; it also provides a greater recreation area for the students of Liberty Elementary and other County

youth. Also, the extra parking would benefit the elementary school by providing additional peak load parking supply during major school wide events.

Staff feels that with the enhanced pedestrian crosswalk and connection into the school as well as the crossing guard, there will be safe access to and from the proposed recreation area by the residents of the Mayne Property. County legal staff reviewed the request and found that there does not appear to be any prohibitions against allowing the recreation areas to be on another portion of the site.

Staff requests that the Applicant work to design the site in order to maximize the potential for additional flat, usable active recreation land for informal “pick-up” games, etc., throughout the development in addition to the 1.58-acre fields across Daysville Road.

Pedestrian Circulation and Bicycle Amenities: Throughout the Mayne Development there are sidewalks proposed on both sides of all major streets. The Applicant has proposed over 2100’, feet of trails, which provide an east-west connection from the proposed “Road E” to the existing sidewalks along MD 26. The proposed trail connection also connects the cul-de-sac at the terminus of “Road G” to the proposed townhouse component located at the end of proposed “Road F” and Spain Drive.

The proposed plan also provides a possible connection from the townhouse portion of the development to the “Liberty Gardens” condominium parcel should the owner of Liberty Gardens have no objections, as well as a pedestrian connection from the cul-de-sac on “Road G” in between Lots 61 and 62 to the 4.95-acre GC tract.

Bike Racks: Per Zoning Ordinance §1-19-6.200.H, the Applicant has provided 5 bike racks for the Mayne Property.

Public Transit: This site is not served by Transit.

Landscaping: The site contains a variety of plant species. Street tree plantings are consistent with previous approvals by the Planning Commission. The Applicant has provided plantings in the courtyard areas, and has also provided screening in the rear of the units that back up to the school site. The landscaping will be subject to the final location of utilities. *Any loss of landscaping should be provided elsewhere on-site where appropriate to achieve the same effect.*

Open Space: The proposed development contains 22.89-acres of Homeowners Association (HOA) open space. The proposed open space is separated into three general categories; active, recreation, open

Utilities: The site is classified as W-5/S-5 development site to be served by public utilities. Sanitary sewer will be provided by developer funded extension of existing 8” sanitary sewer lines which are adjacent to MD Route 26. Water will be provided by a developer-constructed system that will be turned over to the Division of Utilities and Solid Waste Management (DUSWM) once constructed and accepted.

No more than 25 units can be built without waterline looping. The site is located in Pressure Zone 3 elevation 510 to 637 with a 737 gallon overflow tank.

To mitigate setback and fall zone issues the proposed elevated water tank is proposed to be located to the opposite side of Daysville Road, adjacent to the active recreation area. The water tank will be very similar to the spheroid tanks that are found in Thurmont. The tank will be 450,000 gallons and will be approximately 160 feet tall.

Stormwater Management: Improvement plans will need to be submitted for review at future stages of the development. Stormwater quality and quantity will be handled by on site facilities in accordance with the Maryland 2007 Stormwater management Act. This plan utilizes environmental site design techniques to the maximum extent practicable. The Applicant proposes various micro-scale practices such as “landscape infiltrations”, and “bio-retention swales”. The site consists of a large amount of soils with a hydrolic soils group classifications of type A soils, so infiltration can be accommodated.

Lighting: A lighting plan is required to be submitted as part of the townhouse site plan submission. The Applicant has added a note (#30) to the Preliminary Plan stating the following; *“Light spillage may not exceed 0.5 foot candles at the property line. Lighting shall be placed in such a manner as to eliminate glare onto adjacent properties and the nighttime sky.”*

Adequate Public Facilities Ordinance (APFO): This project was reviewed for potential impacts to schools, roads, and water and sewer infrastructure. A letter of understanding (LOU) outlining the proposed mitigation is attached as Exhibit # 3.

Schools: In accordance with Article VI of Frederick County Ordinance Section 1-20-60 major residential subdivisions are required to be tested for determination of adequacy. This project was tested on December 22, 2010 and passed the schools APFO test on all levels.

Roads: In accordance with the April 15, 2010 Traffic Impact Analysis by Lenhart Traffic Consulting, Inc., the site is capped at a total amount of 136 A.M. and 174 P.M. weekday peak hour vehicle trips. Site access points and the signalized MD 75/MD 26 intersection were found to be operating adequately. The un-signalized intersection of MD 550/MD 26, the Jones Road/Mill Street link, and the pedestrian route to the elementary school were found to be inadequate,

The stop sign controlled MD 550 approaches to MD 26 both fail due to excessive delay during the weekday PM peak, However this was based on an all or nothing trip assignment and given the opportunities for traffic to seek other paths in the village grid system to avoid the potential delays associated with the failure, it is likely that the forecasted delays will not come to fruition. Because of this and because there is no practical mitigation because of limited room to expand the approaches, this result was not deemed a critical inadequacy.

The Jones Road/Mill Street link failed under the road rating system (RRS). An identified mitigation to improve sight distance along Mill Street brings the RRS above the acceptable threshold and is described below and contained in the LOU.

Because there is not an adequate pedestrian accommodation between the site and the entrance to Liberty Elementary School, the applicant has agreed to provide the necessary sidewalk and crossing guard and will reach agreement with Frederick County Public Schools to provide them. Sidewalk access between the site and the town’s main street (MD 26) is being provided on-site.

Therefore the necessary mitigation to ameliorate the described inadequacies are contained in the attached LOU and repeated below as follows:

Prior to the recordation of any plats a Transportation Facilities Mitigation Plan (TFMP) per the Guidelines shall be approved by DPW and FCPS for the following improvements.

Prior to the issuance of any building permit, the applicant, successors or assigns shall guarantee the improvements which follow. These improvements shall be essentially built or caused to be built and open to traffic prior to the issuance of the 25th building permit.

1. *Jones Road: Between MD 75 and South Street – Re-grade the east side cut slope on the curve at the corner of the fire company property to meet AASHTO stopping sight distance (SSD) requirements;*
2. *Safe Route to School Provisions: construct a sidewalk and fund a crossing guard position between site and main entrance to Liberty Elementary School – as defined and required by the Frederick County Public Schools (FCPS).*

Water and Sewer Improvements: The Property is classified in the County's 05 S-4 (Dev.), 05 W-4 (Dev.) and 06 S-5 (Dev.), 06 W-5 (Dev.) sewer and water categories. The Division of Utilities and Solid Waste Management (DUSWM) has provided a finding of conditional approval regarding sewer and water facilities to serve this project based on water and sewer studies prepared by McCRONE dated December 2010 and Chesapeake Environmental.

A. Water, prior to recordation of any plats, the developer shall:

1. Design and Construct a 450,000 gallon (nominal) welded steel elevated water storage tank serve pressure zone 3.
2. Design and Construct a water treatment plant with a minimum capacity of 172 GPM and develop associated production wells in accordance with recommendations made in the Chesapeake Environmental report.
3. APFO approval for water cannot exceed the State MDE Water Appropriation permit. The current permit (No. FR2006G004 (01) has limited capacity for only 139 Lots. New adequate raw water supply must be provided/permitted and connected to the treatment works prior to recordation of the 140th lot.
4. Connect the existing Libertytown Apartment raw water supply into the new water treatment system constructed under item 2 above prior to recordation of any lot.

B. Sewer, prior to recordation of a total of new 104 lots (total number of new lots in this service area no matter the project or developer), the developer shall:

1. Design and Construct the Ultimate SPS with a capacity of 300,000 gpd average daily flow which meets DUSWM requirements.
2. Upgrade, if necessary as approved by DUSWM, the existing gravity sewer in Westwinds as required to convey the increased flow rate from the Ultimate SPS

APFO approval for water and sewer does not guarantee that plats will be recorded and building permits issued. Plat recordation and building-permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 (of Subdivision Regulations). Plats cannot be recorded until the property obtains water and sewer classification of W-3/S-3; adequate water and sewer capacity exists and improvements required to serve the subject lots are under construction and determined to be within ninety (90) days of completion.

Forest Resource Ordinance (FRO):

Applicant has submitted a Preliminary FRO plan. The Applicant proposes to conserve 8.10 acres of existing forest (out of 16.35 acres of existing forest). The Applicant also proposes to plant approximately 4 ½ acres (2.2 acres +/- in stream/open space corridor, 2.3 acres +/- along Rt 550). Applicant will mitigate the remaining 6.26 acres of required forest mitigation by using forest-banking credits.

OTHER AGENCY COMMENTS

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Conditionally Approved <ul style="list-style-type: none">• Final Stormwater issues
<i>Development Review Planning:</i>	A few minor drafting issues noted in Hansen, in addition to items listed in the report.
<i>State Highway Administration (SHA):</i>	Conditional Approval <ul style="list-style-type: none">• No conditions noted
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Conditional Approval
<i>Health Dept.</i>	Conditional Approval
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Conditional Approval
<i>Housing Dept</i>	Conditional Approval

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves this Preliminary Plan, the Preliminary Plan is valid for a period no greater than six (6) years from the date of Planning Commission approval. The LOU was signed on December 30, 2010 for a period no longer than six years or until January 12, 2017.

Staff has no objection to conditional approval of this Preliminary Plan.

RECOMMENDATION

Should the Planning Commission conditionally approve this Preliminary Plan S-1157 (AP# 10707, APFO 10708 & FRO 10709) for the proposed Mayne Property, the motion for approval should include the following item:

1. Preliminary plan approval for a period of five years from today's date or until the APFO approval expires, whichever occurs first.

Staff recommends that the following items be added as conditions of approval:

1. Comply with all agency comments.
2. Traffic improvements listed in the attached LOU shall be essentially built or caused to be built and open to traffic prior to the issuance of the 25th building permit.
3. The Applicant must submit a MPDU "Agreement to Build" prior Phase III final approval. The Agreement shall identify the number, type, and location of all the MPDU's and identify the timing of MPDU construction within each development phase as outlined in Section 1-6A-5(h) of the Frederick County Code (The MPDU Ordinance is codified as Chapter 1-6A of the Frederick County Code).
 - a. The MPDUs must be built along with other dwelling units; cannot all be in the last Phase 6. Please revise before final approval of townhouse site plans.
4. The Applicant must submit a Phase 5 Site Plan application for review and approval by the FCPC for the townhouse component of this development.
5. The Preliminary Forest Conservation Plan must be approved prior to Preliminary Plan approval. Prior to lot recordation or grading permits (whichever is applied for first), a Final Forest Conservation Plan must be submitted by the Applicant and approved by Staff, forest easements and legal documents must be executed, and the forest banking credits provided.
6. Stormwater Concept plan shall be approved prior to final approval of the Preliminary plan or Phase 5 site plan for the Townhouse component of the Mayne Property.

**ILLUSTRATIVE PLAN
FOR
MAINE PROPERTY
SCALE: 1"=60' (12/16/13)**

Harris SmartGraphics Associates, Inc.
145 South Street, Suite 200, North Andover, MA 01855
(978) 682-1111 / Fax (978) 682-1112



**DIVISION OF PERMITTING AND DEVELOPMENT REVIEW
FREDERICK COUNTY, MARYLAND**

Department of Development Review
30 North Market Street • Frederick, Maryland 21701
www.co.frederick.md.us

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

COMMISSIONERS

Blaine R. Young
President

C. Paul Smith
Vice President

Billy Shreve

David P. Gray

Kirby Delauter

COUNTY MANAGER

Barry L. Stanton

**PERMITTING AND
DEVELOPMENT
REVIEW DIVISION**

Gary W. Hessong
Division Director

**DEPARTMENT OF
DEVELOPMENT
REVIEW**

Elisabeth S. Smith, P.E.
Deputy Director



Mayne Property

Subdivision (# S-1157) (AP #10708)

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and *Lands of RSB Holdings, LLC* ("**Developer**"), together with its/their successors or assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved preliminary plan for Mayne Property (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance, ("**APFO**").

The Developer, its successors or assigns, hereby agrees and understands that unless the required improvements are constructed in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 67.33 +/- acre parcel of land, which is zoned R-3 and General Commercial (GC), and located between Daysville Road and Woodsboro Pike, just north of North Street, in the village of Libertytown. This APFO approval will be effective for development of a 193 lot residential subdivision, made up of 148 single family detached, 45 townhomes, comprised of 25 MPDU townhomes, which is shown on the preliminary plan submitted to the Commission for approval on January 12, 2011.

Schools: In accordance with Article VI of Frederick County Ordinance Section 1-20-60 major residential subdivisions are required to be tested for determination of adequacy. This project was tested on December 22, 2010 and passed the schools APFO test on all levels.

Water and Sewer Improvements: The Property is currently classified in the County's 05 S-4 (Dev.), 05 W-4 (Dev.) and 06 S-5 (Dev.), 06 W-5 (Dev.) sewer and water categories. The Division of Utilities and Solid Waste Management (DUSWM) has provided a finding of conditional approval regarding sewer and water facilities to serve this project based on water and sewer studies prepared by McCrone dated December 2010 and Chesapeake Environmental.

- A. Water, prior to recordation of any plats, the developer shall:
1. Design and Construct a 450,000 gallon (nominal) welded steel elevated water storage tank serve pressure zone 3.
 2. Design and Construct a water treatment plant with a minimum capacity of 172 GPM and develop associated production wells in accordance with recommendations made in the Chesapeake Environmental report. APFO

*Mayne Property Preliminary Plan LOU
Page 1 of 3*

approval for water cannot exceed the State MDE Water Appropriation permit. The current permit (No. FR2006G004 (01) has limited capacity for only 139 Lots. New adequate raw water supply must be provided/permitted and connected to the treatment works prior to recordation of the 140th lot.

3. Connect the existing Libertytown Apartment raw water supply into the new water treatment system constructed under item 2 above prior to recordation of any lot.

B. Sewer, prior to recordation of a total of new 104 lots (total number of new lots in this service area no matter the project or developer), the developer shall:

1. Design and Construct the Ultimate SPS with a capacity of 300,000 gpd average daily flow which meets DUSWM requirements.
2. Upgrade, if necessary as approved by DUSWM, the existing gravity sewer in Westwinds as required to convey the increased flow rate from the Ultimate SPS

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Road Improvements: In accordance with the April 15, 2010 Traffic Impact Analysis by Lenhart Traffic Consulting, Inc., the site is capped at a total amount of 136 A.M. and 174 P.M. weekday peak hour vehicle trips.

Prior to the recordation of any plats a Transportation Facilities Mitigation Plan (TFMP) per the Guidelines shall be approved by DPW, SHA and FCPS for the following improvements. Prior to the issuance of any building permit, the Developer, successors or assigns shall guarantee the improvements which follow. These improvements shall be essentially built or caused to be built and open to traffic prior to the issuance of the 25th building permit.

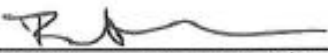
1. Jones Road: Between MD 75 and South Street – Re-grade the east side cut slope on the curve at the corner of the fire company property to meet AASHTO stopping sight distance (SSD) requirements;
2. Safe Route to School Provisions: construct a sidewalk and fund a crossing guard position between site and main entrance to Liberty Elementary School – as defined and required by the Frederick County Public Schools (FCPS).

Period of Validity: The preliminary plan approval is valid for six years from the date of Commission approval. Preliminary plan approval expires on January 12, 2017. APFO approval shall be valid for as long as the Preliminary plan approval remains valid.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by state and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

*Mayne Property Preliminary Plan LOU
Page 2 of 3*

DEVELOPER:

By: 
Name: BERT NEWCOMER
Title: MANAGER

Date: 1/3/10

FREDERICK COUNTY PLANNING COMMISSION:

By: _____
Robert White, Chairperson
or, _____, Secretary

Date: _____

ATTEST:

By: _____
Gary Hessong, Director, Division of Permitting &
Development Review

Date: _____

Planner's Initials / Date _____

County Attorney's Office Initials / Date _____
(Approved as to legal form)



FREDERICK COUNTY PLANNING COMMISSION

August 11, 2010

TITLE: **Mayne Property: Preliminary Plan Sketch Review**

FILE NUMBER: **S 1157 (PHASE 5 AP# 10995, PHASE 4 AP#10707 APFO # 10708 & FRO #10709)**

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COMP. PLAN/LAND USE: Residential

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ENGINEER: Harris, Smariga & Associates, Inc

ARCHITECT: Not Listed

ATTORNEY: Not Listed

STAFF: Tolson DeSa, Principal Planner

RECOMMENDATION: Non-Binding Review and Comment

Enclosures:

Exhibit #1-Sketch Preliminary Plan

Exhibit #2: Letter concerning recreation area placement from Ray Barnes, FCPS

STAFF REPORT

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The Applicant has submitted this Sketch Plan package in order to receive non-binding review and comment from the Frederick County Planning Commission (FCPC) on the Daysville/Woodsboro (MD 550) Road Connector as well as placing some of the required recreation lands across Daysville Road adjacent to existing fields that are a part of Liberty Elementary School.

APPLICATION

This application was submitted under the Sketch Plan regulations within the Subdivision Ordinance under Section §1-16-59. As stated below; this submission is for non-binding review and comment only. The Applicant is still required to submit a Preliminary Plan, as well as a site plan, for this development; both of which will require review and approval from the FCPC in order to proceed to construction.

§ 1-16-59. APPROVAL PROCEDURE.

(A) *The subdivider may prepare a sketch plat of the proposed subdivision conforming with the requirements set forth in these regulations and it shall be submitted to the Planning Department, using application forms provided, at least 60 days prior to a scheduled subdivision review meeting of the Planning Commission.*

(B) *The Planning Department will transmit the sketch plat to the appropriate agencies.*

(C) *The plat will be scheduled for a Technical Advisory Committee meeting for review by agency representatives and representatives of the developer.*

(D) *It shall be the responsibility of the Planning Department to distribute plats and information to other agencies, receive comments from those agencies and to notify the developer as to the time, date and place of meetings and hearings regarding his development. All such meetings shall be open to the public.*

(E) *The sketch plat will be checked by the Planning Department as to its conformity with all plans and ordinances in effect.*

(F) *At a regularly scheduled Planning Commission meeting, the Planning Department will present the recommendation and findings of other agencies and the Department's own recommendation on the sketch plat.*

(G) *The Planning Commission shall give its opinion regarding the sketch plat.*

(H) *The Planning Commission will in general be reviewing the sketch plat with regard to the following points:*

- (1) *Interior street configuration;*
- (2) *Entrance locations (both new streets and driveways);*
- (3) *Traffic effect on existing and proposed roads;*
- (4) *Type of water and sewage system;*
- (5) *Feasibility of a subdivision in the area:*
 - (a) *Total number and size of lots;*
 - (b) *Effect of building in school district, school bus service;*

Mayne Preliminary Sketch Plan

August 11, 2010

Page 2 of 10

Mayne Preliminary Plan

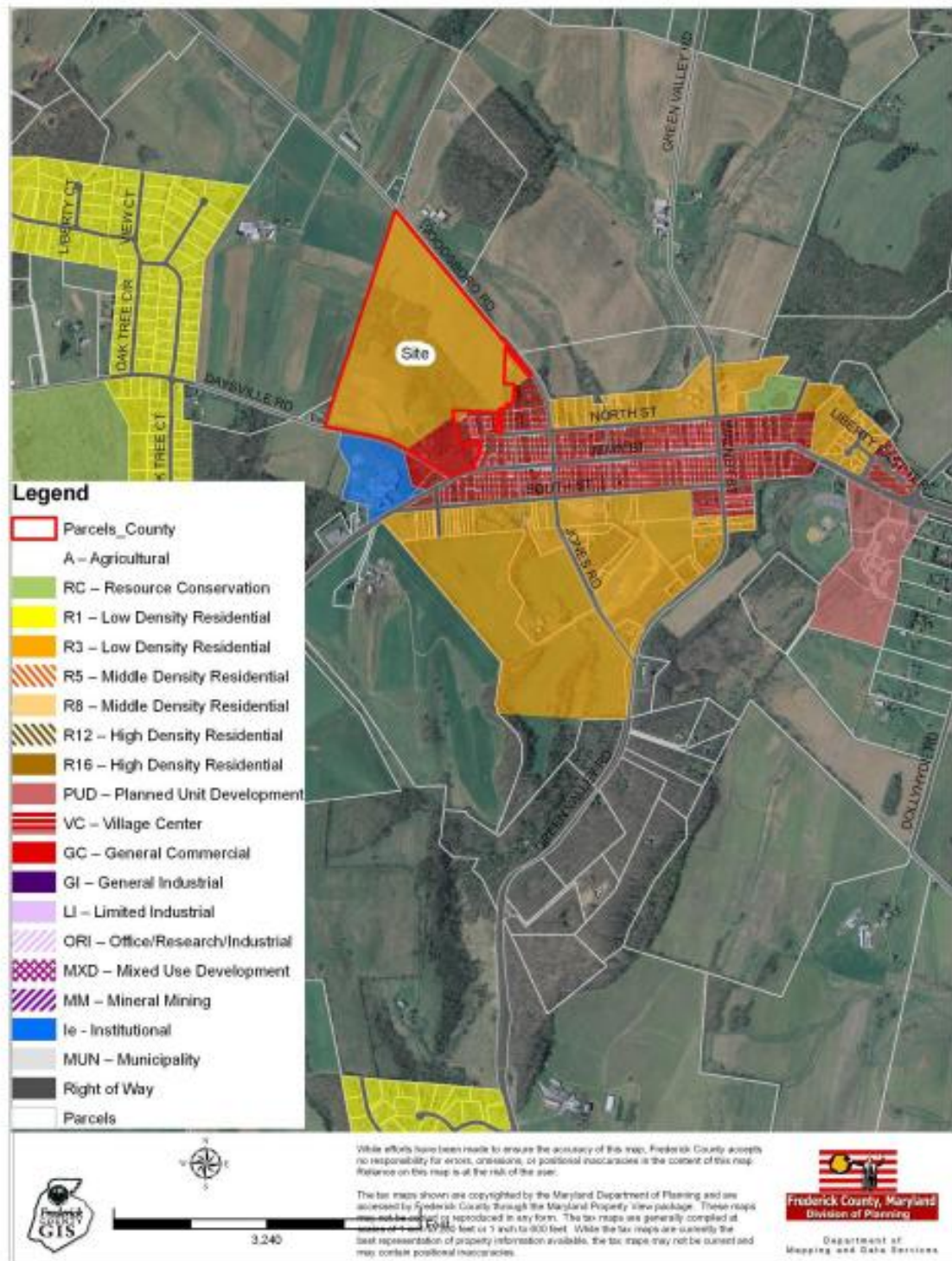
January 12, 2011

Page 18 of 26

- (c) Approximate lot layout, parkland, reserved areas.
- (6) New techniques in land development.
- (I) The Commission will be reviewing at a minimum the general suitability of design with regards to topography, drainage, erosion and vertical alignment of streets.
- (J) The review of the sketch plat does not infer any special status on the plat, but is only to allow a subdivider to determine feasibility of his project prior to incurring extensive costs for surveying and engineering.
- (K) The subdivider may waive his right to Technical Advisory Committee and Planning Commission review and may submit a sketch plat for review by the planning staff. Such a plat will be reviewed on a 30 day cycle and shall conform to all other provisions of this chapter.
- (1959 Code, § 38A-40(a)) (Ord. 81-44-234, 12-22-1981; Ord. 83-18-285, 6-14-1983)

ANALYSIS

Zoning: The site is split-zoned although the majority is located within the R-3 Residential (LI) Zoning District, shown in orange. There are approximately 4.95 acres located within the General Commercial Zoning District, shown in red.



Mayne Preliminary Sketch Plan

August 11, 2010

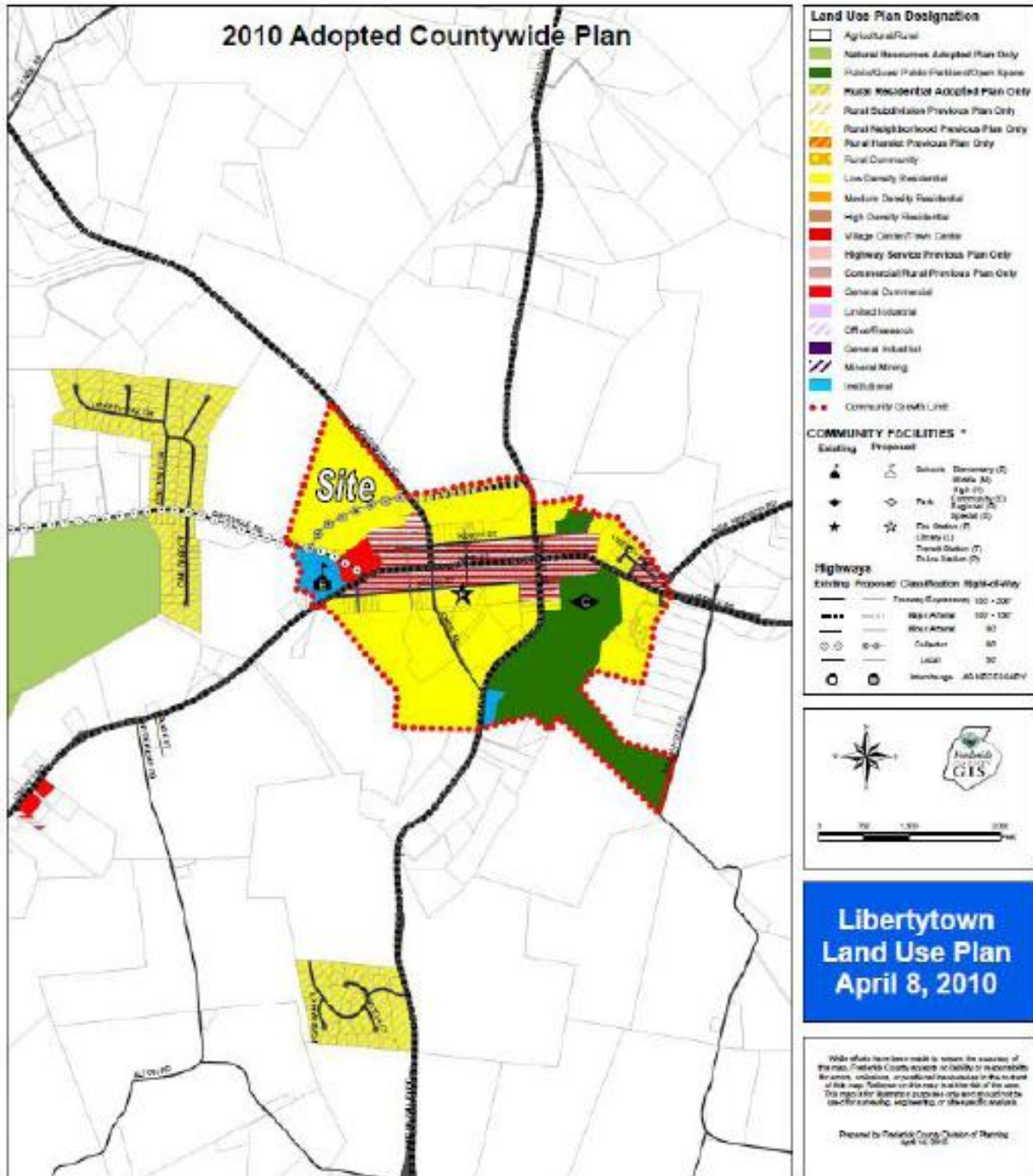
Page 4 of 10

Mayne Preliminary Plan

January 12, 2011

Page 20 of 26

Frederick County Comprehensive Plan: Walkersville Region, Libertytown Land Use Plan



The Frederick County Comprehensive Plan indicates that the land use for the Frederick Preserve subdivision is low Density Residential, shown in yellow above. Agricultural zoning surrounds the site. The use proposed for the Mayne Property complies with the Land Use designation within the County Comprehensive Plan.

Mayne Preliminary Sketch Plan
August 11, 2010
Page 5 of 10

Mayne Preliminary Plan
January 12, 2011
Page 21 of 26

Dimensional Requirements/Bulk Standards: Section §1-19-8.620.5, Moderately Priced Dwelling Unit (MPDU), stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements for developments in the R-3 Residential Zoning District that contain MPDU's are 10-foot front yard and 25-foot rear yard for single-family detached and 20-foot rear yard for all townhouses and MPDU's, with 10-foot side yards for all dwelling unit types. The maximum height allowed is 40 feet. The minimum lot size for the zoning district is 4,000 square feet for all single family detached dwellings, and 1,600 square feet for townhouses. The proposed preliminary plan will meet the required Bulk/Dimensional requirements.

Access/Circulation: Daysville/Woodsboro (MD 550) Road Connector

This new masterplan collector roadway is shown on the masterplan roughly in the location of a portion of the now defunct Libertytown (MD 26) Bypass, but the text does not describe its purpose. In reviewing the tapes of past workshops, it appears that its main purpose is to assure that there is a continuous local roadway between the Liberty Elementary School, on Daysville Road, and MD 550 for pedestrians, bikers and school buses.

The Applicant has provided this future collector road in the necessary 60' right-of-way, albeit more in the form of a residential sub-collector, in order to achieve its assumed purpose. For the purpose of calming travel speeds and discouraging through traffic movements between MD 550 and Daysville Road, two right angle turns have been introduced on this "collector" road between Daysville Road and MD 550. Intersection site distance (ISD) has been shown to be adequate for this proposed roadway at both Daysville Road and MD 550.

Another remnant of the old Libertytown Bypass still remains in the form of a minor arterial just east of this site and runs between MD 550 and MD 75. It is described on page 6-12 of the Comprehensive plan as a road to facilitate truck traffic between the MD 550 and MD 75 corridors, while presumably reducing truck volumes on MD 26 through town. The proposed access points on MD 550, for the collector road westward to Daysville Road (through the Mayne residential community) and minor arterial road eastward to MD 75, are offset by more than the 750' required to meet SHA public street separation requirements.

It should be noted however that the collector road's construction, as proposed through the Mayne property, would make it more difficult to build a Libertytown (MD 25) Bypass in the future, should future State and County planners and Commissioners bring the concept back for consideration. An alternative alignment to the Applicant's proposal that would better facilitate a future bypass might be one that better follows the line as shown illustratively on the comp plan map, which accesses MD 550 opposite its arterial roadway extension to MD 75. If this general alignment would be preferable to the Planning Commission, much more care would be necessary at the design stage to calm travel speeds, perhaps in the form of a narrower road with community traffic circles.

Staff believes the Applicant's general layout of the proposed collector, as currently proposed by the Applicant, can be found consistent with the masterplan while contextually sensitive to the needs of the residential community that it serves and would be the preferred treatment for the development of this future residential community. *Therefore Staff proposes no changes to the concept.*

Mayne Preliminary Sketch Plan
August 11, 2010
Page 6 of 10

Mayne Preliminary Plan
January 12, 2011
Page 22 of 26

Recreation: The required parkland calculation for this proposed development is 3.167-acres. The Applicant has provided 26.25 acres of HOA open space on the north side of Daysville Road which includes tot lots for the townhouses, walking trails and picnic areas. The Parkland regulations also require that 50% of the total parkland acreage is provided as dry ground recreation use area. The Applicant is proposing to place 1.58-acres of graded area west of Liberty Elementary School for additional ball fields. This area is owned by the Applicant and is adjacent to existing ball fields located on the school property.

The Applicant has proffered a crosswalk with lighted pedestrian notification signal and a fully funded school day crossing guard position as well as a five foot wide sidewalk connection from Daysville Road into the school site to connect to the existing school sidewalk network. The Applicant has also proffered to construct additional parking on the school property in order to serve the additional parking demand associated with the 1.58-acres of active recreation lands.

Staff has received a letter of support in favor of placing the required active recreation lands adjacent to the existing ball fields on the Liberty Elementary School from Ray Barnes, Executive Director of the Facilities Services Division of the Frederick County Public School System, see attached Exhibit #2.

Staff feels that locating the required recreation lands adjacent to the existing fields creates a greater synergy and expands the options of the future residents of the Mayne Property; it also provides a greater recreation area for the students of Liberty Elementary and other County youth. Also, the extra parking would benefit the elementary school by providing additional peak load parking supply during major school wide events.

Staff feels that with the enhanced pedestrian crosswalk and connection into the school as well as the crossing guard, there will be safe access to and from the proposed recreation area by the residents of the Mayne Property. County legal staff reviewed the request and found that there does not appear to be any prohibitions against allowing the recreation areas to be on another portion of the site.

Staff requests that the Applicant work to design the site in order to maximize the potential for additional flat, usable active recreation land for informal "pick-up" games, etc., throughout the development in addition to the 1.58-acre fields across Daysville Road. Staff feels that additional flat lands suitable for informal active recreation may be gained with small site plan shifts during the Preliminary Plan Phase. As previously stated, the Applicant and Staff are still making changes to the overall plan which will be reflected in the Preliminary Plan and final Site Plan.

The Applicant is requesting non-binding review and comment on whether the FCPC would favor the proposed pedestrian improvements as well as the placement of the active recreation fields adjacent to the existing Liberty Elementary ball fields, or whether the Applicant should provide all of the required recreation lands on the north side of Daysville Road.

Landscaping: A landscape plan is required to be submitted as part of the site plan submission.

Utilities: The site is classified as W-5/S-5 development site to be served by public utilities. Sanitary sewer will be provided by developer funded extension of existing 8" sanitary sewer lines which are adjacent to MD Route 26. Water will be provided by a developer-constructed

Mayne Preliminary Sketch Plan

August 11, 2010

Page 7 of 10

Mayne Preliminary Plan

January 12, 2011

Page 23 of 26

system that will be turned over to the Division of Utilities and Solid Waste Management (DUSWM) once constructed and accepted.

No more than 25 units can be built without waterline looping. The site is located in Pressure Zone 3 elevation 510 to 637 with a 737 gallon overflow tank.

Lighting: A lighting plan is required to be submitted as part of the site plan submission.

Adequate Public Facilities Ordinance (APFO): Adequate Public Facilities will be tested and mitigated under the Preliminary Plan application. The Preliminary Plan application will require FCPC review and approval at a later date.

Forest Resource Ordinance (FRO): Requirements of the FRO will be addressed during the Preliminary Plan application.

OTHER AGENCY COMMENTS

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	No Comment
<i>Development Review Planning:</i>	Approved
<i>State Highway Administration (SHA):</i>	N/A.
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	No Comment
<i>Health Dept.</i>	No Comment
<i>Office of Life Safety</i>	No Comment
<i>DPDR Traffic Engineering</i>	Approved
<i>Historic Preservation</i>	N/A.

FINDINGS

This Sketch Plan was submitted under the Subdivision Ordinance Section 1-16-59 to the FCPC for non-binding review and comment. Therefore, the FCPC will not be voting on this application at this time. If this application proceeds to the Preliminary Plan as well as the Site Plan phase of development, the FCPC will have two additional opportunities to review, comment and provide a recommendation on this development.

As previously stated, APF and FRO as well as all other development issues will be reviewed during the submission of the Preliminary Site Plan.

RECOMMENDATION

Staff recommends that the FCPC provide non-binding review and comment on:

(1) the proposed alignment of the main through road within the proposed Mayne Property; and
(2) the proposed placement of 1.58-acres of active recreation lands adjacent to the Liberty Elementary School.

Mayne Preliminary Sketch Plan
August 11, 2010
Page 8 of 10

Mayne Preliminary Plan
January 12, 2011
Page 24 of 26

[illegible]

Exhibit #2: Letter concerning recreation area placement from Ray Barnes, FCPS

FACILITIES SERVICES DIVISION
7030 Hayward Rd.
Frederick, MD 21702
301-844-5025 phone
301-844-5027 fax
www.fcps.org



Ray Barnes, Executive Director
ray.barnes@fcps.org

June 24, 2010

To: Tolson Desa

From: Ray Barnes

CC: Beth Pasierb, FCPS
Fran Zeller, HSA

Re: Mayne Property Development – Libertytown

This office is in receipt of a development plan for the Mayne Property located in Libertytown. We understand that this project is under review at the County DPDR offices.

The FCPS supports the establishment of additional recreation fields in the Libertytown area. While not necessarily needed for the Libertytown ES physical education program, additional fields would be useful to serve community youth groups that use the Libertytown ES fields on evenings and weekends.

The FCPS does not seek dedication of additional land for Liberty ES, it would support the construction of additional youth athletic fields on adjoining properties or elsewhere in the neighborhood.

Let me know if you have any questions or require further information.

Mayne Preliminary Sketch Plan
August 11, 2010
Page 10 of 10

Mayne Preliminary Plan
January 12, 2011
Page 26 of 26